IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. W.P. No. 320 of 2006

DATE OF DECISION : 05.09.2006

Jagtar Singh

.... PETITIONER

Versus

Man Singh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Surender Gandhi, Advocate,
for the petitioner.

Mr. I.S. Saggu, Advocate,
for respondents No.1 and 2.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Jagtar Singh has filed this habeas corpus petition alleging therein that respondents No.1 and 2 have illegally detained 35 persons, named in para 3 of the petition, who were working on their brick kiln.

2. Vide order dated April 6, 2006, followed by order dated April 28, 2006, Senior Superintendent of Police, Kapurthala, was directed to depute some responsible police officer, who shall accompany the petitioner and search the premises as pointed out by him and if the detenues are found in illegal custody, he shall make every endeavour to get them released. The Senior Superintendent of Police, Kapurthala, was also directed to submit report in this regard.

3. Pursuant to the notice, reply by way of affidavit of District Magistrate, Kapurthala, has been filed on behalf of respondents No.4 and 6. A short affidavit along with inquiry report Annexure R-1 submitted by Deputy Superintendent of Police, Sub Division Bholath, District Kapurthala, has also been filed on behalf of respondent No.5. In the inquiry

report Annexure R-1, it has been stated that as per the directions given by SSP, Kapurthala, in compliance of the order of this Court, DSP along with SHO, Police Station Subhanpur, District Kapurthala, Tehsildar, Kapurthala and other police officials visited the place mentioned in the petition. During the inquiry, it was found that the allegations levelled by the petitioner in the petition were false. Statements of 16 workers working in the brick kiln of respondent No.1 were recorded. A common statement of the respectables of village Dham, Police Station Subhanpur, Tehsil and District Kapurthala was also recorded. It has been reported that the whole premises of the brick kiln was searched in the presence of Tehsildar, Kapurthala, but no person as mentioned in the petition was found there. It has also been reported that written information was sent to the petitioner, but in spite of receiving the information, he did not come to join the inquiry.

4. Counsel for the petitioner did not controvert the replies and the aforesaid inquiry report.

5. In view of the above, in my opinion, no further direction is required to be issued in this case.

6. Dismissed.

September 05, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**